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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 RICHARD E. O'BRINGER, PA-C PROF  
8 CORP.,

9 Plaintiff(s),

10 v.

11 AETNA BETTER HEALTH OF NEVADA  
12 INC.,

13 Defendant(s).

Case No. 2:18-CV-1836 JCM (NJK)

ORDER

14 Presently before the court is the matter *Richard E. O'Bringer, PA-C, Prof. Corp. v. Aetna*  
15 *Better Health of Nevada, Inc.*, case number 2:18-cv-01836-JCM-NJK.

16 On September 28, 2018, defendant Aetna Better Health of Nevada filed a motion to  
17 dismiss. (ECF No. 6). Plaintiff Richard E. O'Bringer, PA-C, Prof. Corp. has not filed a response  
18 and the time to do so has passed.

19 Pursuant to LR 7-2(d), "[t]he failure of an opposing party to file points and authorities in  
20 response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees,  
21 constitutes a consent to the granting of the motion." Thus, because plaintiff did not file a response,  
22 the court will grant defendant's motion to dismiss.

23 Accordingly,

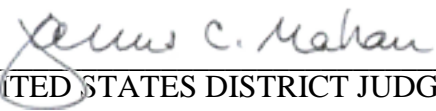
24 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to  
25 dismiss (ECF No. 6) be, and the same hereby is, GRANTED without prejudice.

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The clerk shall enter judgment accordingly and close the case.  
DATED December 6, 2018.

  
UNITED STATES DISTRICT JUDGE